IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.822 OF 2005

Vikrant Shyam Chougule ...Petitioner

Vs.

Desk Officer, Home Ministry
and Ors. ...Respondents

....

Mr.R.D.Soni i/b M/s.Ram and Co. for Petitioner
Mr.A.H.Palekar AGP for Respondents

....

CORAM : B.H.MARLAPALLE,J.
DATE : MARCH 11,2005

P.C.:

1. Heard Mr.Soni, the learned counsel for the petitioner. The petitioner had filed appeal under Section 33 of the Bombay Police Act, 1951 but belatedly and the State Govt. has communicated by letter dated 1st/2nd February, 2005 that the appeal could not be entertained on account of (a) delay of three months and (b) the reasons for delay were not found to be justified.

2. The remedy of appeal is a statutory right and the petitioner undertakes to file the detailed affidavit explaining the delay of three months caused in filing the appeal so that it is heard and decided on merits.

Nevertheless, an appropriate amount of costs will have to be recovered from the petitioner.

3. The petition is therefore, disposed of with directions to the appellate authority to hear and decide the appeal on its own merits if the petitioners submit an affidavit explaining the delay of three months within a period of two weeks from today and also remit an amount of Rs.5,000/- with the legal services authority of this Court within the said period of two weeks. The appeal be decided as expeditiously as possible and preferably within a period of two months. Ad-interim order of protection granted by this Court will continue to operate till the appeal is decided.

[B.H.MARLAPALLE,J.]